

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:19-cv-00122-DBH
)	
GLOBAL PARTNERS LP;)	
GLOBAL COMPANIES LLC;)	
CHELSEA SANDWICH LLC,)	
)	
Defendants.)	
)	

STATUS REPORT

Plaintiff, United States of America, submits this Status Report, indicating as follows:

1. On March 25, 2019, the United States filed the Complaint (Doc. 1) in this matter against Global Partners LP, Global Companies LLC, and Chelsea Sandwich LLC (collectively, “Defendants”) under Section 113(a)(1) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7413(a)(1), and the Maine state implementation plan (“ME SIP”).

2. Simultaneously, on March 25, 2019, the United States lodged with the Court a proposed Consent Decree (Doc. 4-1), consistent with 28 C.F.R. § 50.7. In the Notice (Doc. 4) accompanying the proposed Consent Decree, the United States informed the Court that the United States was required by regulation to invite the public to comment on the proposed Consent Decree for a period of thirty (30) days before seeking judicial approval of it. The public comment period began on April 1, 2019, with the publication of a notice in the Federal Register inviting public comment. *See* 84 Fed. Reg. 12293-94 (Apr. 1, 2019). The 30-day comment period originally was scheduled to end on May 1, 2019.

3. Because of public interest regarding the proposed Consent Decree, including the City of South Portland's and others' requests for an extension of the public comment period, the United States published a subsequent notice in the Federal Register on May 2, 2019, extending the public comment through July 1, 2019. *See* 84 Fed. Reg. 18867-68 (May 2, 2019).

4. Upon expiration of the extended comment period on July 1, 2019, the United States will advise the Court of any comments received and, provided that the United States, after review, determines to proceed with the settlement, the United States will file a motion to enter the Consent Decree as a final judgment.

5. In addition, under Rule 4(m) of the Federal Rules of Civil Procedure, service of process of the Complaint must be completed within 90 days after it is filed, which in this case, is June 24, 2019. This date falls before the date by which the public comment period ends with regard to the Consent Decree (*i.e.*, July 1, 2019). The United States has conferred with Defendants regarding service of process. Defendants' counsel has informed undersigned counsel that Defendants will agree to waive service under Rule 4(d). Thus, on April 30, 2019, the United States submitted its written waiver request to Defendants, in accordance with Rule 4(d), and we anticipate filing Defendants' signed waiver forms soon with the Court.

6. In the normal course under Rule 4(d), upon filing the waiver forms, Defendants' answer to the Complaint would be due 60 days after the date that the United States submitted its written waiver request (April 30, 2019), which, in this case, would be July 1, 2019. If, however, the United States determines to proceed with the proposed settlement after review of the public comments, there would be no need for Defendants to incur the time and expense associated with filing an answer to the Complaint.

7. Therefore, in the interest of judicial economy, the United States advises the Court that the parties anticipate submitting a motion to extend the deadline for Defendants' answer beyond July 1, 2019. We anticipate filing the motion sometime in June 2019, when it becomes more apparent to the United States how much time it will need to consider the public comments and make a decision on whether to proceed with entry of the proposed Consent Decree.

8. Counsel for the Defendants has indicated its concurrence with this Status Report to undersigned counsel.

Respectfully Submitted,

ELLEN M. MAHAN
Deputy Section Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

May 8, 2019
Dated

/s/ Patrick B. Bryan
PATRICK B. BRYAN
Trial Attorney
DAVID L. WEIGERT
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 616-8299 (PBB)
(202) 514-0133 (DLW)
patrick.bryan@usdoj.gov
david.weigert@usdoj.gov

HALSEY B. FRANK
United States Attorney
District of Maine

JOHN G. OSBORN
Chief, Civil Division
U.S. Attorney's Office, District of Maine
100 Middle Street Plaza
East Tower, Sixth Floor
Portland, Maine 04101
(207) 780-3257
john.osborn2@usdoj.gov

OF COUNSEL:

THOMAS OLIVIER
WILLIAM D. CHIN
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (Mail Code OES 04-4)
Boston, MA 02109-3912

CERTIFICATE OF SERVICE

I certify that on May 8, 2019, I caused to be served copies of the foregoing Status Report by U.S. Mail and e-mail on the following counsel for Defendants:

Michael A. Leon, Esq.
Nutter McClennen & Fish LLP
155 Seaport Blvd.
Boston, MA 02210
Phone: 617-439-2815
Email: MLeon@nutter.com

Counsel for Global Partners LP, Global Companies LLC, and Chelsea Sandwich LLC

Dated: May 8, 2019

/s/ Patrick B. Bryan
PATRICK B. BRYAN
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611
Tel.: 202-616-8299
Email: Patrick.Bryan@usdoj.gov